



IN REPLY
REFER TO:

United States Department of the Interior

MINERALS MANAGEMENT SERVICE
SOUTH CENTRAL REGION
505 MARQUETTE AVENUE, N.W., SUITE 815
ALBUQUERQUE, NEW MEXICO 87102

FILE
HJ

November 17, 1982

Confidential Claim Retracted

Authorized by: SE

Date: 6/12/13

Dear Committee Member:

This letter summarizes the November 9th and 10th meetings of the Jackpile-Paguate Technical Committee. Attached are lists of the persons who attended the meeting.

All of the issues on which a disagreement exists between the Pueblo of Laguna and Anaconda Minerals Company were discussed at these meetings, and the following are the positions of each party:

ENVIRONMENTAL MONITORING PROGRAM:

The Pueblo concurred in the monitoring program proposed by Anaconda, with the following exceptions:

1. At least one air quality monitoring station should be installed on the southern side of the mine, to measure total suspended particulates (TSP). The data would be collected in accordance with the procedures established by the U. S. Environmental Protection Agency (EPA), and would allow direct correlation to EPA's TSP standards.
2. Water monitoring wells should be placed in the pits after they have been backfilled.
3. An airborne gamma survey of the disturbed areas should be conducted after all earth-moving has been completed.
4. The Pueblo wants Anaconda to monitor the site for ten years after revegetation has been completed, unless a technical justification can be found to reduce this period.



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DISPOSITION OF RAIL SPUR:

Anaconda plans to remove the spur and reclaim the disturbed acreage. The Pueblo wants the spur left intact for their future use. The Department of the Interior (DOI) cannot support the transfer of a known hazard to the Pueblo, and would, therefore, require that the Quirk Loading Dock and the small radiological hot spots along the spur be removed before ownership of the spur could be transferred to the Pueblo.

DISPOSITION OF MINE BUILDINGS AND EQUIPMENT:

Anaconda plans to leave only those buildings on Lease Number 4. The Pueblo has provided Anaconda with a list of the buildings and equipment that they want left intact after reclamation has been completed. Anaconda has not responded to this letter.

STABILIZATION OF ARROYO HEADCUTS:

Anaconda and the Minerals Management Service (MMS) have small technical disagreements on which methods would be the most effective in stabilizing arroyo headcuts. The Pueblo will rely on the MMS and Anaconda to work these out.

STABILIZATION OF THE RIO MOQUINO:

Anaconda proposed to remove all waste that lies within 200 feet of the center of the Rio Moquino. In addition to these efforts, the Pueblo wants Anaconda to construct a permanent base (perhaps a cement bridge with culverts) immediately above the Rio Moquino's confluence with the Rio Pagate, and to make a one-time payment to the DOI for use in maintaining the channel of the Rio Moquino.

STABILIZATION OF WASTE PILE SLOPES:

The Pueblo wants all slopes to be no greater than 3:1. This includes slopes inside and outside of the pits. The slopes proposed by Anaconda vary between 1:1 and 3:1, with an approximate average of 2.5:1. Anaconda also proposes to construct terraces and drop structures on some slopes.

AMOUNT OF TOP SOIL ON WASTE DUMPS:

Anaconda proposes to place one foot of topsoil on all waste dumps. The Pueblo will concur in Anaconda's proposal, unless the MMS can provide a technical justification for increasing this thickness.

DISPOSITION OF MESITA RESERVOIR:

Anaconda proposes no mitigation measures for Mesita Reservoir. The Pueblo wants Anaconda to complete a well, suitable for irrigation purposes, as compensation for the mining operation's impacts on Mesita Reservoir.

POST-RECLAMATION GRAZING MANAGEMENT:

It is Anaconda's position that they would not be liable for the success of revegetation if the site is grazed prior to their final release from the site. The Pueblo wants Anaconda to fence the entire site, and to hire appropriate personnel to prevent unauthorized livestock access. The Pueblo also wants Anaconda to consider providing fencing within the site to assist future grazing management.

DISPOSITION OF THE NORTH PAGUATE HIGHWALL:

Anaconda proposes to backfill the pit to three feet above the groundwater recovery level, and to scale and fence the highwall. Anaconda will honor their commitment to backfill the west end of the pit to floodplain level, although this backfilling was not included in their reclamation plan. The Pueblo wants Anaconda to honor their commitment to backfill the west end of the pit to floodplain level, and to slope the highwall to 3:1.

DISPOSITION OF THE SOUTH PAGUATE HIGHWALL:

Anaconda proposes to backfill the pit to three feet above the groundwater recovery level, and to fence and scale the highwall. The Pueblo wants the pit backfilled to the greatest extent possible, and the highwalls sloped to 3:1.

BLASTING DAMAGE TO PAGUATE HOMES:

It is Anaconda's position that the mining operations did not cause any damage to the homes in Pagate. Anaconda's consultant on this issue will submit a report soon. The Pueblo considers this a very critical issue, but will await a review of Anaconda's consultant report before establishing a definitive position.

DISPOSITION OF PROTORE PILES:

Anaconda proposes to use the protore as backfill material, but will keep track of where the protore is placed so that it can be easily recovered in the future. The Pueblo's position on this issue is dependent on their decision regarding future mining by the Pueblo. This decision is expected to be made soon. The Pueblo will develop a definitive position on this issue after they have made a decision regarding the future mining.

LEVEL OF BACKFILLING:

Anaconda proposes to backfill all pits to three feet above ground-water recovery level. The Pueblo will rely on the MMS and their consultants to assess the technical merits of Anaconda's proposal, and to resolve any differences.

BOND RELEASE:

The bond will be reduced as the reclamation activities are performed, but a substantial bond will be held until Anaconda's final release from the site. There is disagreement between the Pueblo and Anaconda over how to determine the final release date. Anaconda proposes that they be released when revegetation shows a trend towards comparability with undisturbed comparison plots. The Pueblo believes the release date should be 10 years after revegetation is conducted, unless a technical justification can be found to reduce this period.

The Committee agreed to leave the date for the next meeting open for the present time.



Marc E. Nelson

Enclosures